

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

SW RESTORATION, LLC,)
)
 Plaintiff,)
)
 v.) No.: 1:21-CV-60-TAV-CHS
)
 STATE FARM FIRE AND)
 CASUALTY COMPANY,)
)
 Defendant.)

MEMORANDUM OPINION AND ORDER

This civil matter is before the Court on the Report and Recommendation (“R&R”) entered by United States Magistrate Judge Christopher H. Steger, on May 23, 2022 [Doc. 20]. In the R&R, Judge Steger recommends that the Court grant plaintiff’s motion to voluntarily dismiss without prejudice [Doc. 16] subject to certain conditions. There have been no timely objections to the R&R, and enough time has passed since the filing of the R&R to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72.

After a careful review of the matter, the Court is in complete agreement with Judge Steger’s recommendations, which the Court adopts and incorporates into its ruling. Accordingly, the Court **ACCEPTS** and **ADOPTS** the R&R in whole [Doc. 20], and plaintiff’s motion to voluntarily dismiss without prejudice [Doc. 16] is **GRANTED**. This case is hereby **DISMISSED without prejudice**. However, should plaintiff timely re-file this action, defendant is entitled to payment of reasonable attorney fees and expenses

incurred in the current action in connection with: (1) removing this action from state court to this Court; (2) preparing an answer to the complaint; (3) preparing its Rule 26(f) report; and (4) responding to plaintiff's motion for leave to dismiss without prejudice. The Clerk of Court is **DIRECTED** to close this case.

IT IS SO ORDERED.

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE